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Remarks

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-27) have been rejected as being anticipated by or unpatentable over Klimenko, and Claims 6, 15, and 24 have been rejected for lacking patentable utility.

To overcome the Examiner's utility rejections, Claims 6, 15, and 24 have been amended to clarify that the adapter of those claims is not a conventional network adapter, and that the computer also contains such a conventional adapter as provided for in the specification on page 5, lines 12-14.

To overcome the substantive rejections, the independent claims now require that the adapter translate disk I/O requests to network requests, as formerly recited in, e.g., Claim 4. To comport with the above amendments, various dependent claims have also been either cancelled or amended in their dependencies. Claims 1-3, 5-10, 12-21, and 23-27 remain pending.

Rejections Under 35 U.S.C. §102

Claims 1, 4, 5, 8, 10, 11, 14, 17, 19, 22, 23, and 26 have been rejected under 35 U.S.C. §102 as being anticipated by Klimenko, a patent cited by Applicant. Of relevance to the present claims is the allegation in the Office Action that the element 360 of Klimenko, relied upon as the claimed adapter, translates disk I/O requests to network requests, citing col. 6, lines 39-51 of Klimenko.

This appears to be incorrect. The relied-upon element 360 performs no such translation. The way Klimenko works is that its "inventive" software-implemented transport driver is grafted onto the operating system of the client computer, col. 6, lines 42-48, and this transport driver redirects disk I/O requests to a "LANHD.IMG" file in the network server, not the element 360. In turn, as disclosed at col. 7, line 58

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continuing to col. 8, line 12 of Klimenko, the "LANHD.IMG" file in the network server performs the actual disk I/O - to - network request translation. This is emphasized in the relied-upon section of Klimenko (col. 6, lines 39-51), which repeatedly speaks of the *server* undertaking certain actions, not the relied-upon element 360.

Furthermore, the heart of Klimenko is the transport driver, which is necessary to ensure that a mode change to protected access will not result in preventing hard disk access by the network server, something that Klimenko teaches would otherwise occur without his transport driver, col. 6, line 61 continuing to col. 7, line 7. Accordingly, there can be no suggestion to modify Klimenko to replace the software-implemented transport driver, which redirects disk I/O calls to a software routine in the network server for translation to network requests, with an adapter as now recited in the independent claims, since to do so would defeat a central purpose of Klimenko and, hence, be improper, MPEP §2143.10 (citing In re Gordon).

Rejections Under 35 U.S.C. §103

Claims 2, 3, 7, 9, 12, 13, 16, 18, 20, 21, 25, and 27 have been rejected under 35 U.S.C. §103 as being unpatentable over Klimenko. For the reasons set forth above, these dependent claims are patentable.

Furthermore, it has been alleged that although Klimenko fails to teach plugging its element 360 into a motherboard or connecting it via a cable to a motherboard, such is well known. First, should this rejection be persisted in, a prior art showing is hereby seasonably requested under MPEP §2144.03.

Additionally, note that Applicant is not just claiming engaging any sort of adapter with a motherboard in the claims rejected under this section. Rather, Applicant is claiming engaging the adapter as particularly set forth in the present claims with a motherboard. Accordingly, should these rejections be persisted in, a

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prior art suggestion to engage the particularly claimed adapter with a motherboard must be presented, MPEP §2143.

The limitation of Claims 7, 16, and 25 of the adapter including a sequence of bytes identifying it as a secondary boot device likewise is admittedly missing from Klimenko, but these claims nonetheless have been rejected on the ground that such is well known in the art. Again, note that Applicant is not claiming using bytes to identify a secondary boot device in a vacuum, but rather Applicant is claiming a particularly configured adapter that has such bytes to identify it as a secondary boot device. Absent a prior art suggestion to do what is specifically claimed, as opposed to an observation that a general technique which is untethered to the surrounding claim limitations is well-known, the rejection should be withdrawn.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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